

5 <u>Refugee Medical Assistance</u>	
CFR 45 Part 400.101 (a)(1) <i>Attachment 5A</i>	5.1 Eligibility for Refugee Medical Assistance The local departments of social services (LDSSs) determine refugees eligible for Refugee Medical Assistance (RMA) when refugees are found eligible for Medicaid or FAMIS under Virginia's medically needy financial eligibility standards, but ineligible under its non-financial standards. ONS staff wrote the guidance documents used by LDSS staff providing RMA. These documents follow federal rules and regulations and .
CFR 45 Part 400.100 (a)(1)	5.1.1 Financial Eligibility Rule Refugees who meet the Medicaid or FAMIS (SCHIP) financial eligibility standards, but are otherwise ineligible for Medicaid or FAMIS, are eligible for RMA.
CFR 45 Part 400.100 (a)(3)	5.1.2 Financial Eligibility Standards Refugees must meet the financial eligibility requirements set out in §400.101 to be eligible for RMA.
CFR 45 Part 400.100 (a)(2)	5.1.3 Children of Refugees Children of refugees are eligible for RMA subject to meeting immigration identification requirements and to the limitations in § 400.208.
CFR 45 Part 400.100 (a)(4)	5.1.4 Notification of Name of Resettlement Agency LDSSs providing RMA are given the name of the refugee resettlement agency serving the refugee applying for RMA.
CFR 45 Part 400.100 (a)(5)	5.1.5 Full-Time Students Refugees who are full-time students in institutions of higher education, which are not part of the refugee's individual employability plan or URM plan, are ineligible for RMA.
CFR 45 Part 400.100 (b)	5.2 Period of Eligibility Virginia policy is based on the ORR Director's yearly determination of period of eligibility, in accordance with § 400.211 (a).
CFR 45	5.3 RCA Not a Condition of RMA

Part 400.100 (c)	A refugee may apply for RMA without also applying for RCA. Receipt of RCA is not an eligibility requirement for receiving RMA.
CFR 45 Part 400.100 (d)	5.4 RCA Eligibility Allows RMA Eligibility A refugee receiving RCA who is not eligible for Medicaid or SCHIP is eligible for RMA.
	5.5 Continued Coverage When Earnings Increase
CFR 45 Part 400.104 (a)	5.5.1 Earnings While Receiving RMA When refugees receiving RMA begin to receive earnings from employment, RMA continues until the end of the their eligibility period.
CFR 45 Part 400.104 (b)	5.5.2 Medicaid Discontinuance When refugees who are receiving Medicaid are disqualified due to increased earnings, they are eligible to receive RMA until the end their RMA eligibility period.
CFR 45 Part 400.104 (d)	5.5.3 Employer Provided Health Insurance When refugees receive employer-provided health insurance, RMA is reduced by the amount of the third party payment.

ATTACHMENT 5 A

Refugee Medical Assistance Policy (Summary)

Introduction

Virginia's local departments of social services (LDSSs) administer Virginia's two primary public medical assistance programs: Medicaid and FAMIS (Family Access to Medical Insurance Plan). Refugees who meet the financial criteria for Medicaid or FAMIS but not the non-financial criteria are eligible for RMA for a limited time. It is, however, a program of last resort. A refugee is eligible for RMA only after a Medicaid eligibility worker determines the refugee is not eligible for Medicaid or FAMIS.

1. RMA Eligibility

- a. Medicaid eligibility workers consider eligibility for RMA after determining the refugee:
 - 1) meets the financial requirements for Medicaid or FAMIS, but not the non-financial requirements, and
 - 2) applied for Medicaid or FAMIS within the established RMA time limit.
- b. Medicaid eligibility workers disqualify refugees who are full-time students in an institution of higher education – unless the refugee is enrolled in a one-year re-certification program which is part of a comprehensive resettlement plan (CRP) and the education is contributing to the refugee's self-sufficiency.
- c. The refugee gives the Medicaid eligibility worker the name of the sponsoring resettlement agency. Asylees and victims of trafficking are exempt from this requirement.

2. Newborns

- a. A child born to refugee parents meeting the financial requirements for RMA is eligible for RMA if the mother is receiving RMA when the child is born.
- b. Infants eligible for RMA may receive RMA until the end of the mothers' eight-month period of eligibility.

3. Time Limit

- a. The Medicaid eligibility worker calculates benefits for refugees from the first day of the month in which the refugee files the application for Medicaid. Eligible refugees may receive RMA up to eight months following the month of arrival into the United States.
- b. Refugees may be eligible for three months of retroactive coverage if he or she applies for Medicaid after the date of eligibility for RMA begins. For example, if the refugee arrives in the United States in January but does not apply for Medicaid until April, he may be reimbursed for a medical service rendered during the period between January and the Medicaid, FAMIS, or RMA approval date.
- c. The Medicaid eligibility worker calculates benefits for asylees from the date the asylee was granted asylee status. Eligible asylees may receive RMA up to eight months following the month asylee status was granted.
- d. The Medicaid eligibility worker calculates benefits for a victim of trafficking from the date the federal Office of Refugee Resettlement (ORR) issued the victim of trafficking certification letter.

4. Rules

- a. The Medicaid worker determines RMA eligibility only after it has been determined the refugee does not qualify for Medicaid or FAMIS. The same financial eligibility requirements used for Medicaid are used to determine eligibility for RMA. The non-financial Medicaid rules do not apply to RMA.
- b. The refugee must present documentation of his or her refugee status at the time of application. The refugee is not required to have a social security number to apply for RMA, but he or she should provide proof of application for a social security card.
- c. The eligibility worker notifies the resettlement agency when a refugee applies for temporary assistance.
- d. Earnings from employment gained after a refugee begins receiving RMA do not impact eligibility for RMA or the amount of the RMA payment.
- e. A refugee receiving Medicaid during the first eight months after arrival in the United States who becomes ineligible due to income from employment is transferred to RMA, without further screening, for the remainder of the eight-month RMA eligibility period.

- f. When the employer of a refugee receiving RMA enrolls the refugee in an employer-sponsored health insurance program, RMA becomes the secondary coverage option and picks up costs not covered by the employer sponsored insurance.

5. Income Considerations

- a. The Medicaid eligibility worker considers the income and resources on the date of application, not the average income over the application-processing period, when determining eligibility for RMA.
- b. Asset considerations mirror the Medicaid stipulations and limits, except that the eligibility worker does not consider assets refugees hold in their country of origin.
- c. The eligibility worker does not consider income and resources of a refugee's sponsor(s) in determining eligibility for the RMA nor shelter or in-kind resources provided to the refugee by the sponsor.
- d. The eligibility worker does not count as income or assets the cash assistance payments paid to the refugee through RCA or TANF or under the Department of State or Department of Justice Reception and Placement Program. (The eligibility worker does not consider reception and placement funds when determining income because they fall into the category of "in-kind benefits and vendor payments.")

6. Notification of Approval or Denial

- a. The Medicaid eligibility worker notifies the refugee of the results of the RMA eligibility determination in a timely manner. In no case is this notice to exceed 45 days from the date of application.
- b. The notification clearly indicates that RMA is denied or approved. If RMA is denied, the notice includes an explanation of ineligibility, along with a statement about the refugee's right to appeal the decision.
- c. The Medicaid eligibility worker notifies the refugee when a medical service is denied.
- d. LDSS written communication with the refugee complies with Title VI of the federal Civil Rights Act.

7. Appeals

- a. Refugees who have applied for or are receiving RMA have a right to appeal in the following instances:
 - 1) When they have been denied RMA benefits;
 - 2) When the LDSS has not notified them of their RMA determination within 45 days of application; or
 - 3) When they been denied a medical service that normally is covered under Medicaid, FAMIS or RMA.
- b. For a hearings office to hear an appeal, the refugee must file the appeal within 30 days of receipt of a notice of negative action.
- c. The LDSS must ensure that access to the appeal process is not denied in any way because the refugee has limited English proficiency.
- d. If the refugee makes an appeal in a timely manner, medical benefits will continue during the appeal period, unless it exceeds the period of RMA eligibility. If, however, the hearings process sustains the LDSS proposed action, the refugee repays the full amount of any medical bills paid during the appeal process.
- e. A hearings officer is to decide the case in writing within 90 days of the date that the refugee requests a hearing. The refugee may appeal the hearing officer's decision to the Circuit Court in the refugee's city or county of residence.
- f. The refugee may receive free legal advice through the local legal aid office.

Source: Virginia Refugee Resettlement Program Manual, synopsis of pages 38 – 47